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**Donna R. Searcy**  
**Secretary**  
**Federal Communications Commission**  
**Mail Stop 1170**  
**1919 M Street, N.W., Room 222**  
**Washington, D.C. 20554**

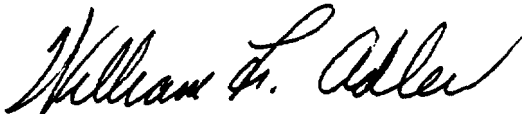
Dear Ms Searcy:

Re: *CC Docket No. 92-115 - Revision of Part 22 of the Commission's Rules Governing the Public Mobile Services*

On behalf of PacTel Cellular, please find enclosed an original and six copies of its "Comments" in the above proceeding.

Please stamp and return the provided copy to confirm your receipt. Please contact me should you have any questions or require additional information concerning this matter.

Sincerely,



Enclosures

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Before the  
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In the Matter of

Revision of Part 22 of the Commission's  
rules governing the Public Mobile Services

CC Docket No. 92-115

COMMENTS OF PACTEL CELLULAR

PacTel Cellular ("PacTel"), a licensee in the Domestic Public Cellular Radio Telecommunications Service, hereby submits the following comments on the Notice of Proposed Rule Making ("NPRM") as adopted on May 14, 1992, concerning the revision of the Commission's rules governing Public Mobile Services.

PacTel and its affiliates operate cellular systems in Los Angeles, San Francisco, Sacramento, and San Diego, California; in Reno, Nevada; and in Atlanta and Athens, Georgia. In addition, PacTel, as part of a joint venture with Cellular Communications, Inc. operates a regional system in Michigan and Ohio. PacTel introduced cellular service in Los Angeles, California in June, 1984 and is knowledgeable of the Commission's rules, and has a strong interest in the proposed revisions to the Commission's rules to ensure that the cellular industry has the flexibility to continue to expand and enhance its services to the public.

I. PACTEL COMMENDS THE COMMISSION FOR UNDERTAKING  
A REVISION OF PART 22 OF ITS RULES

PacTel commends the Commission staff for undertaking the task of rewriting Part 22 of the Commission's rules ("rules"). With the numerous Commission decisions over the years along with significant developments within the mobile telecommunications industry during recent years,

there is a need for a restructure of the rules to facilitate the interests of the public, the Commission and the mobile services industry. In short, PacTel believes that the reformatting of Part 22 along with the retitling of sections of the rules, e.g., converting Domestic Public Cellular Radiotelephone Service to Cellular Radiotelephone Service (Subpart H), will result in making the Commission's rules more "user friendly" and improve understanding within the mobile services industry.

PacTel concurs with many of the Commission's proposed revisions including the elimination of the restriction limiting fixed service to Basic Exchange Telecommunications Radio Systems ("BETRS"). This change is consistent with the rules for alternative cellular technologies and auxiliary services and will conserve Commission staff resources since it will eliminate the need for waiver requests to provide fixed service other than BETRS. PacTel also supports the elimination of the provisions in the current section 22.909 requiring cellular carriers to obtain Commission approval prior to moving the location of the control point beyond the boundary of the CGSA. Again, by recognizing the operational efficiencies available to cellular carriers, the Commission can conserve its staff resources for more significant filing requirements which necessitate the involvement of the Commission staff. These proposals clearly represent revisions which benefit the cellular industry and its customers, as well as conserve the scarce resources of the Commission.

In addition to providing flexibility to cellular carriers by eliminating unnecessary restrictions such as the aforementioned, the Commission proposes to introduce a new rule (Section 22.919) which establishes technical specifications for mobile equipment which will help to prevent the tampering with of Electronic Serial Numbers ("ESN") which identify mobile equipment to cellular carriers and, in turn reduce the amount of fraud perpetrated by individuals who tamper with ESNs associated with valid cellular customers.

PacTel fully supports the Commission's proposed changes to FCC Forms 401, 489, and 490. The proposed changes eliminate redundancy and unnecessary information and, as a result, will expedite both the completion of the forms by cellular carriers and the staff's review of the filings.

Finally, PacTel concurs that the Commission's proposal to group rules common to all Public Mobile Services ("PMS") under the first three subparts, while rules applicable to individual radio services are grouped under subparts labeled according to radio service, will improve the clarity and ease of reference of Part 22. However, PacTel believes that the Commission should explicitly clarify that, in the event that there is a difference between a "common rule" and a rule under a subpart pertaining to a specific radio service, the rule under an individual radio service takes precedence.

## **II. PACTEL'S SUGGESTIONS FOR ADDITIONAL IMPROVEMENTS**

PacTel believes that the regulation of the cellular industry could be further streamlined without jeopardizing the integrity of the Commission's policies nor compromising the public interest. PacTel urges the Commission to consider expediting the handling of requests for Special Temporary Authority ("STAs"). PacTel proposes that the Commission allow certain STA requests to become effective on the same day filed. It is in the public interest to permit STAs to be effective on the same day filed in the case of facilities being placed into operation in response to a natural disaster or state of emergency, e.g., hurricanes, earthquakes and civil unrest. In addition, cellular carriers with a station facility whose 32 dBu contour extends into an adjacent MSA or RSA controlled by the same company or partnership and where frequency coordination is assured should be permitted to place the facility into operation on the day the Commission is notified.

During the past two years, the Commission has routinely granted interim operating authority for Rural Service Areas ("RSAs") to cellular carriers other than a licensee when it appears that the grant of permanent authority to a qualified licensee will be substantially delayed. PacTel believes that the public interest can be well served by the grant of interim operating authority in RSAs, as well as in the case where area within an MSA or RSA remains unserved after the expiration of the exclusive five year fill-in period. Although, the Commission is preparing to

implement rules for accepting applications and conducting lotteries to grant licenses for unserved

areas, there have been long delays and there may continue to be delays prior to permanent authorizations being granted and construction completed by licensees of unserved areas. In both of these cases, the grant of interim operating authority can serve the public interest in several ways: by providing cellular service for existing customers who live, work or travel in an area which does not have cellular service; by providing competitive cellular service in areas where only one operator is currently authorized to provide service; and by helping further the goal of continuous cellular service to roamers from foreign markets who are used to the ease of automatically roaming on the same block of frequencies. Many roamers cannot easily reprogram their mobile units to utilize the other block of frequencies and often automatic roaming agreements do not exist between carriers on different frequency blocks. Therefore, PacTel urges the Commission to clearly specify its filing requirements and qualifications for applicants for interim operating authority in its rules, so that service may be provided on an interim basis in any area where a permanent authorization has not been made nor is likely to be made within a reasonable period.

While the Commission's proposed rewrite (see Sections 22.163 and 22.165), which would no longer require licensees to notify the Commission of minor modifications to existing stations nor notify the Commission of additional transmitters if the service and interfering contours remain within existing contours, has the advantages of reducing the paper load at the Commission and reduces some paper processing on the part of the licensee, it has the disadvantage of not providing protection from interference for the additional transmitters or modified transmitters. In order to obtain the protection from interference and to control the paper processing load at the Commission, PacTel proposes that licensees have the option to file these permissive changes once a year on a consolidated basis for each system and, therefore, obtain the protection from interference. In the case of cellular, system operators already will be filing system updates once a year and these permissive changes could be included as part of that system update.

PacTel supports, in part, the Commission's proposal to expedite the process for changing a cellular system's System Identification Number code (SID code). PacTel supports the idea that system operators could change their SID code at will, and would only have to notify the

Commission that the SID code is changed (see Section 22.943). However, PacTel is concerned that cellular operators will now be required to file a Form 489 and pay a fee instead of notifying the Commission by letter. PacTel understands the administrative advantage of using the Form 489 but urges the Commission to either not impose a fee for a such pro forma change or impose the minimum fee for such changes. PacTel does not believe that the management of SID codes should be performed by an industry association. The process the Mobile Services Division has developed for assigning, maintaining the inventory of, and changing SID codes has worked well for the cellular industry and PacTel does not believe that the public interest would be served by transferring these functions to another organization. PacTel simply believes that, since SID changes are pro forma, any small fee the Commission imposes should only reflect its costs in making the change.

**III. PACTEL URGES THE COMMISSION TO PROVIDE FOR  
LIMITED COMMENTS ON PART 22 WHEN IT IS CONFORMED  
TO INCLUDE FINAL DECISIONS ON UNSERVED AREAS (90-6)  
AND CELLULAR LICENSE RENEWAL (90-358)**

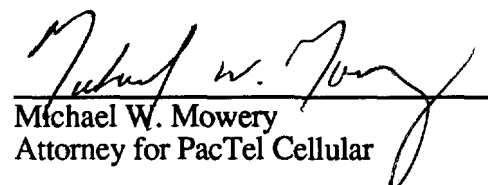
PacTel is concerned that the proposed rewrite of Part 22 has proceeded without the inclusion of all of the changes adopted in the Commission's rulemakings on unserved areas (CC Docket No. 90-6) and license renewal for cellular licensees (CC Docket No. 90-358). PacTel urges the Commission to clarify that such changes are to be included in Part 22 if its decisions in the two proceedings are affirmed and to provide an opportunity for public comment when Part 22 has been conformed to reflect those decisions. The Commission should seek comments in order to ensure that the additional revisions to Part 22 are consistent with other sections of the rules and that the rules are clearly understood.

In addition the Commission's decision in this proceeding should identify which sections of Part 22 will be conformed. It is PacTel's understanding that the proposed rewrite of Part 22 does not incorporate any of the rule changes adopted in CC Docket No. 90-358, Rules Relating to License Renewals in the Domestic Cellular Radio Telecommunications Service. In the case of Docket 90-6, only a few of the changes to the "old rules" have been included in the Rewrite of Part

22. For example, in the Second Report and Order adopted March 12, 1992, the Commission revised in its entirety Section 22.903. The Part 22 Rewrite incorporates paragraphs (a), (b) and (c) and omits paragraph (d) and its sub-paragraphs. Other Old Sections such as 22.926 "Maps" have been rewritten and condensed for inclusion in the Part 22 Rewrite. Finally, the Part 22 Rewrite does not include the Commission's Order in CC Docket No. 90-6 adopted July 10, 1992, which postponed the dates for filing unserved area applications. The Part 22 Rewrite has failed to include the Commission's decision which states that the Commission will issue a public notice identifying the relevant filing dates for markets whose five year fill-in period has expired. Thus, PacTel urges the Commission to provide for comment when the Rewrite of Part 22 is conformed to include the final rule changes adopted in Docket Nos. 90-6 and 90-358.

Date: October 5, 1992

Respectfully submitted,

  
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